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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,643	09/19/2000	Koichi Miyasaka	9319S-000157	4946
7590 04/04/2005 Harness Dickey & Pierce P L C P O Box 828 Bloomfield Hills, MI 48303			EXAMINER NORRIS, JEREMY C	
			ART UNIT 2841	PAPER NUMBER

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/664,643	MIYASAKA, KOICHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeremy C. Norris	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

Figures 4-7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 08211398 (hereafter Hitachi). Hitachi discloses an electro-optical device having a conductor pattern constituted by a plurality of elongated conductors (9) formed in parallel to each other on a base (1), further having a dummy pattern constituted by a plurality of dummy conductors (e.g. 8D1 and 39) formed in an area on said base where said conductor pattern is not formed, the dummy patterns including a plurality of dummy pattern rows aligned parallel

Art Unit: 2841

to each other and to the elongated conductors, and in which electro optical material (liquid crystal) is disposed on said conductor pattern, wherein said plurality of dummy conductors disposed in an array direction of said plurality of elongated conductors to constitute said dummy pattern are mutually separated by gaps in an extending direction of said plurality of elongated conductors the gap in adjacent dummy pattern rows being shifted out of alignment from each other with respect to the extending direction [claims 7, 8], wherein at least two of said plurality of dummy conductors disposed in the array direction of said plurality of elongated conductors are each mutually electrically separated in an extending direction of said plurality of elongated conductors [claim 9], wherein each of said plurality of dummy conductors being mutually electrically separated in the array direction of said plurality of elongated conductors have a dummy conductor width and a dummy conductor spacing equivalent to a width and a spacing of each of the elongated conductors [claim 10], wherein said plurality of elongated conductors formed in parallel to each other have a fixed pitch [claim 11], wherein said plurality of dummy conductors being mutually electrically separated in the array direction of said plurality of elongated conductors have a dummy conductor pitch equal to the fixed pitch of the plurality of elongated conductors [claim 12], wherein said plurality of elongated conductors and said plurality of dummy conductors are selected from the group consisting of electrodes and wiring lines formed on said base [claim 13].

***Allowable Subject Matter***

Claims 14-17 are allowed.



The following is a statement of reasons for the indication of allowable subject matter: Claims 14 and 15-17 via dependency state the limitation "wherein each of the adjacent pairs of dummy conductors have a dummy conductor pitch matching the probe pair spacing such that the probe pair spacing is retained in the array direction of said plurality of dummy conductors". This limitation, in conjunction with the other claimed limitations was neither found to be disclosed in, nor suggested by the prior art.

### ***Response to Arguments***

Applicant's arguments filed 22 December 2004 have been fully considered but they are not persuasive. Applicant argues "Hitachi does not disclose dummy pattern rows having gaps between the dummy conductors that are shifted out of alignment with each other, or gaps between dummy conductors that are shifted out of alignment with each other with respect to an extending direction of the conductors". However, in coming to this conclusion, it is readily apparent that Applicant has not fully considered the disclosure of Hitachi. Specifically, figure 4 of Hitachi indeed discloses, the gaps in the rows being shifted in the extending direction. More specifically, this shifting occurs in the portion of the dummy conductor located between electrode 8 and terminal 39. Therefore, having address Applicant's sole contention with the rejection, the traversal on this ground is deemed unsuccessful.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2841

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Norris whose telephone number is 571-272-1932. The examiner can normally be reached on Monday - Friday, 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JCSN



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